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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #: Z2011-10      LEGISTAR #: 20110602**

**LANDOWNERS:    75 Property Partners, LLC  
                      550 Pharr Road, Suite 550  
                      Atlanta, GA 30305**

**1345 Canton, LLC  
550 Pharr Road, Suite 550  
Atlanta, GA 30305**

### **PROPERTY DESCRIPTION:**

**75 Property Partners, LLC:**      **1335 Canton Road  
Land Lot 09270, District 16, Parcel 0160  
6.95 acres – Ward 6  
Current Zoning: CRC (Community Retail Commercial)  
Proposed Zoning: OI (Office Institutional)**

**1345 Canton, LLC:**                **1345 Canton Road  
Land Lot 08740, District 16, Parcel 0510  
1.88 acres – Ward 6  
Current Zoning: LI (Light Industrial)  
Proposed Zoning: OI (Office Institutional)**

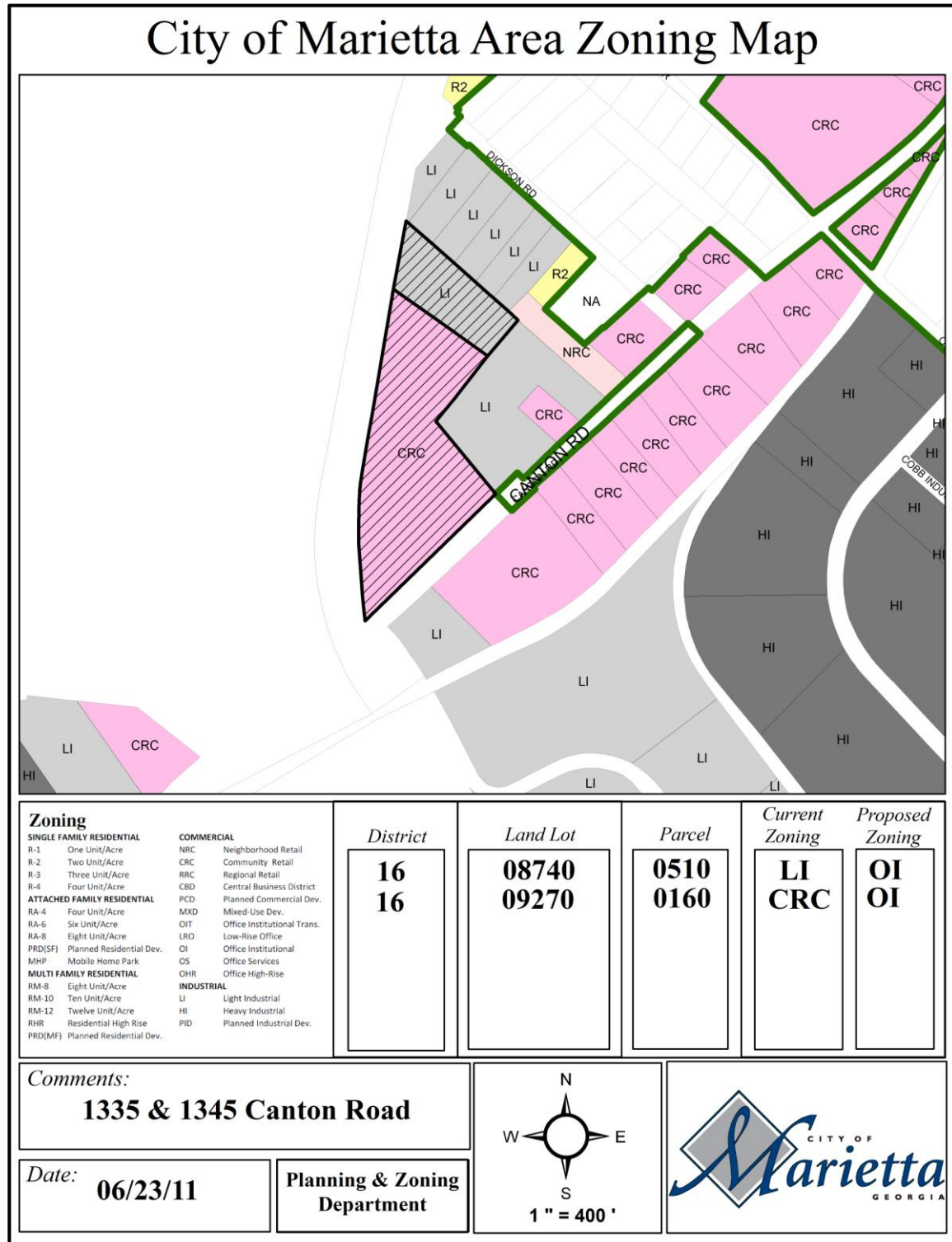
**FUTURE LAND USE MAP RECOMMENDATION: IW (Industrial - Warehousing)**

**REASON FOR REQUEST: The owner and applicant is the rezoning of these two parcels for the purpose of subdividing the office complex.**

**PLANNING COMMISSION HEARING: Tuesday, August 2, 2011 – 6:00 p.m.**

**CITY COUNCIL HEARING: Wednesday, August 10, 2011 – 7:00 p.m.**

## MAP



## City of Marietta Area FLU Map



Future Land Use		District	Land Lot	Parcel	Current FLU	Proposed FLU
LDR	Low Density Residential	16	08740	0510	IW	N/A
MDR	Medium Density Residential					
HDR	High Density Residential	16	09270	0160	IW	N/A
NAC	Neighborhood Activity					
CAC	Community Activity Center	16	09270	0160	IW	N/A
RAC	Regional Activity Center					
CBD	Central Business District	16	09270	0160	IW	N/A
IM	Industrial - Manufacturing					
IW	Industrial - Warehousing	16	09270	0160	IW	N/A
OSC	Open Space/Conservation					
PR	Parks & Recreation	16	09270	0160	IW	N/A
CSI	Community Service & Institutional					
TCU	Transportation, Communication & Utilities	16	09270	0160	IW	N/A
MXD	Mixed Use					

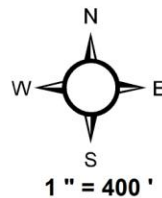
**Comments:**

**1335 & 1345 Canton Road**

**Date:**

**06/23/11**

**Planning & Zoning  
Department**



**PICTURES OF PROPERTY**



**1335 Canton Road**



**Interior of development**





**Interior of development**



**1345 Canton Road**

## STAFF ANALYSIS

### *Location Compatibility*

Margaret Stagmeier, applicant and owner of 75 Property Partners, LLC and 1345 Canton, LLC, is requesting the rezoning of two parcels located off of Canton Road to OI (Office Institutional). These properties contain an office park that was built in 1985 (approximately). The largest parcel contains five office buildings, is currently zoned CRC (Community Retail Commercial) and is 6.95 acres in size. The second parcel is zoned LI (Light Industrial), is 1.88 acres in size, and contains only parking and a grassy area. Since the properties function as professional offices, OI is a more appropriate zoning classification than CRC and LI. No new development or construction is being proposed under this request.

These parcels are located in the southeastern corner of the intersection of Canton Road Connector and I-75 and accessed off of Canton Road to the immediate south. The adjacent properties to the north contain single family residences that are zoned LI. To the immediate east is an equipment rental facility that is also zoned LI.

### *Use Potential and Impacts*

The applicant wishes to subdivide the property so that each building will be located on its own parcel. No new construction or development is being proposed as part of this request. However, many of the as-built conditions on the proposed lots will not comply with the current area requirements for OI (or CRC or LI). Thus, the applicant is requesting multiple variances for impervious surface coverage, parking, landscaped area, and a side setback. If rezoned as requested, the following variances would be necessary to allow for the subdivision as proposed:

#### **Parcel 2 (1339 Canton Road)**

- Variance to increase the allowable impervious surface coverage from 80% to 81.7%.

#### **Parcel 3 (1337 Canton Road)**

- Variance to reduce the required parking from 60 spaces to 48 spaces.
- Variance to increase the allowable impervious surface coverage from 80% to 86.8%.
- Variance to reduce the required landscaped area from 15% to 12.4%.

#### **Parcel 4 (1341 Canton Road)**

- Variance to increase the allowable impervious surface from 80% to 86.5%.
- Variance to reduce the required landscaped from 15% to 13.5%.

#### **Parcel 5 (1343 Canton Road)**

- Variance to increase the allowable impervious surface coverage from 80% to 85.3%.
- Variance to reduce the required landscaped area from 15% to 14.7%.
- Variance to reduce the side yard setback from 15 feet to 10 feet.

Since no new development or construction is being proposed, rezoning the property with the requested variances would not negatively impact the surrounding properties. The single family homes to the north are zoned LI and owned by White Hawk Business Park LLC. These parcels, located on Dickson Road, were rezoned in 2006 (Z2006-28) from R-2 and R-20 to LI for a proposed office warehouse development that has not yet begun construction. Even though the properties still appear to be used residentially, they are zoned LI and do not require a landscaped buffer under the Ordinance. Additionally, the vegetation along the property line is very dense and should provide the necessary protection until the lots along Dickson are developed. Also, this portion of the subject property appears to be reserved for light impact uses, such as parking, and does not contain a building.

The future land use (FLU) designation for both parcels is Industrial Warehousing (IW), which is described by the Comprehensive Plan as “*areas that can support light industrial, office/warehouse and distribution uses and the vehicular traffic associated with such uses.*” Although OI is not listed as a compatible zoning classification for IW in the Comprehensive Plan, it should be, as OI is certainly compatible with light office uses described for IW. As a result, the proposed zoning change supports the recommendations specified in the City’s Comprehensive Plan.

### *Environmental Impacts*

Because the applicant is not proposing any new development other than boundary changes, there should be no negative environmental impacts resulting from this rezoning. No flood plains, wetlands, topographical concerns, streams, or endangered species are present on the site.

Considering the site was developed in the 80s, it is unlikely that the entire site complies with the current Tree Protection and Landscaping Ordinance. The landscaping that is present is very lush and mature and appears to meet the intent of the ordinance, if not the individual criteria. As a result, a variance would be required to allow the trees currently on the site to satisfy the requirements of the tree ordinance until the site is redeveloped:

- Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08 until the site is redeveloped.

Granting variances to increase impervious coverage limits and decrease landscaped area requirements would typically be considered as having a negative environmental impact. However, the variances specified above are only necessary are to allow the property to remain ‘as-is’ under the City’s code.

### *Economic Functionality*

Since both CRC and LI allow for professional office use, the property is currently functional as zoned. However, CRC is a very broad zoning category that focuses on retail and personal service provision and is most appropriate for medium and large shopping centers. The LI zoning category is typically used for limited scale manufacturing, assembly, warehousing and distribution. Because the complex is built specifically for general office use, as opposed to retail or light industrial uses, OI is a more appropriate zoning classification for these two parcels.

### *Infrastructure*

If the property is rezoned and subdivided as submitted, four of the parcels (#3, #4, #5, 1345 Canton Road) will be landlocked and rely on an access easement from Canton Road. Staff is concerned that the access easement shown on the submitted plans is not adequate. Although the easement runs through each property to a degree, it does not provide any access to the side or rear of parcel #3, parcel #4, or parcel #5. This will be problematic, not only for owners and visitors trying to access available parking, but possibly for emergency service vehicles. Staff will require that the access easement be extended throughout the property to provide access to all portions of the parking area.

Section 716.07(A) requires that all required parking be provided on the same lot where the principal activity is occurring. Over the entire office complex there are 304 available parking spaces; this is not counting the additional parking on the rear parcel (1345 Canton Road). Based on the provided building square footages, only 274 spaces are required over the entire site. However, if the property is rezoned and subdivided as proposed, some of the parcels will not contain the required number of on-site spaces. Staff is unclear how parking will be handled once the parcels are split but suggests extending the access easement to cover all driveways and parking spaces.

### *History of Property*

On July 26, 1999, the Marietta Board of Zoning Appeals approved the following variances for the property at 1345 Canton Road, per V-9914:

- Reduce the required 20 foot side yard setback to 10 feet.
- Waive the 50 foot greenbelt buffer as per plan submitted with the stipulation that a 10 foot privacy fence be erected along the northeastern property lines directly abutting residentially zoned properties and;
- Lighting for building to be indirect and have a minimal impact on residential area.



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## ANALYSIS & CONCLUSION

Margaret Stagmeier, applicant and owner of 75 Property Partners, LLC and 1345 Canton, LLC, is requesting the rezoning of two parcels located off of Canton Road to OI (Office Institutional) from CRC and LI. The subject property contains an office park made up of five office buildings. The larger parcel is 6.95 acres in size and the smaller parcel is 1.88 acres in size. No new development or construction is being proposed under this request, which is being made in order to subdivide the property so each building is on its own parcel.

The single family homes to the north, which are zoned LI, should not be negatively impacted by this request, as there are no proposed improvements to the property being made. Additionally, the existing vegetation along the property line is very dense and should provide the necessary protection until the lots along Dickson are developed. Also, this portion of the subject property appears to be minimally used for light impact uses, such as parking.

If the property is rezoned and subdivided as submitted, four of the parcels (#3, #4, #5, 1345 Canton Road) will be landlocked and rely on an access easement from Canton Road. Staff is concerned that the access easement shown on the submitted plans is not adequate. Although the easement runs through each property to a degree, it does not provide any access to the side or rear of parcel #3, parcel #4, or parcel #5. This will be problematic, not only for owners and visitors trying to access available parking, but possibly for emergency service vehicles. Staff will require that the access easement be extended throughout the property to provide access to all portions of the parking area.

Should the rezoning be approved, the following variances would be necessary for the subdivision of the property as submitted:

- Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08 until the site is redeveloped.

### **Parcel 2 (1339 Canton Road)**

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**Department of Development Services**  
205 Lawrence Street  
Marietta, Georgia 30060  
Brian Binzer, Director

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The future land use (FLU) designation for both parcels is Industrial Warehousing (IW), which does not list OI as a compatible zoning classification despite office uses being listed as appropriate for IW. As a result, the proposed zoning change supports the recommendations specified in the City's Comprehensive Plan.

**Prepared by:** \_\_\_\_\_

**Approved by:** \_\_\_\_\_



## DATA APPENDIX

### ***COBB COUNTY - WATER***

Is a water line adjacent to the property?	Yes, in Canton Road r-o-w
If not, how far is the closest water line?	
Size of the water line?	8-inch
Capacity of the water line?	
Approximate water usage by proposed use?	10,000 GPD

### ***COBB COUNTY - SEWER***

Is a sewer line adjacent to the property?	Yes, on site
If not, how far is the closest sewer line?	
Size of the sewer line?	8 inch
Capacity of the sewer line?	
Estimated waste generated by proposed development?	A.D.F                      Peak 10,000 GPD
Treatment Plant Name?	Noonday WRF
Treatment Plant Capacity?	20 MGD
Future Plant Availability?	

## DATA APPENDIX CONTINUED

### *DRAINAGE AND ENVIRONMENTAL CONCERNS*

Does flood plain exist on the property?	NO
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Noonday3
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	NO
Are there other topographical concerns on the parcel?	NO
Are there storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

### *Transportation*

What is the road affected by the proposed change?	Canton Road
What is the classification of the road?	Arterial
What is the traffic count for the road?	9630 AADT – 2 way
Estimated number of cars generated by the proposed development?	Insufficient data provided
Estimated number of trips generated by the proposed development?	Insufficient data provided
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	NO
If yes, what are they?	---



- Site plans may be required for construction IF and land disturbance is proposed in the future. If required, site plans must include, parking, driveways, streets, stormwater management, stormwater quality, 10% downstream analysis, and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line. If easements are required for drainage through adjacent property, then the owner is to obtain.
- Utility and Access Easements must be provided and recorded for all parcels, if not already existing, to allow access in the future if those parcels are not combined or are sold off separately.

### ***EMERGENCY SERVICES***

Nearest city or county fire station from the development? MFD Station 56

Distance of the nearest station? 1.5 miles

Most likely station for 1<sup>st</sup> response? MFD Station 56

Service burdens at the nearest city fire station (under, at, or above capacity)? None

### ***MARIETTA POWER - ELECTRICAL***

Does Marietta Power serve this site? Yes \_\_\_\_\_ No  X

If not, can this site be served? Yes \_\_\_\_\_ No \_\_\_\_\_

What special conditions would be involved in serving this site?

Additional comments:

Depending on the location of this facility, this customer could qualify as a customer choice customer meaning that they have a choice of electric utility providers. Would the customers be willing to use Marietta Power and Water as their sole electric utility provider? Would they be willing to build an all electric facility.